

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION, CHATTANOOGA**

MARK S. PARTAIN,)	
)	
Plaintiff,)	
)	Case No. 1:07cv279
v.)	Judge Mattice
)	Magistrate Judge Carter
WAL-MART STORES, INC.,)	
)	
Defendant.)	

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41, it is hereby stipulated by the parties that the above-entitled action be discontinued and dismissed with prejudice. The parties each agree to pay their own respective attorneys' fees and costs incurred in this cause. Accordingly, it is hereby

ORDERED, ADJUDGED and DECREED that this action is dismissed with prejudice. Each party will pay their own respective attorneys' fees and costs.

ENTERED:

United States District Judge

Approved for Entry:

s/ Marcus M.Crider

Waverly D. Crenshaw, Jr. (BPR # 009942)

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s/ H. Chris Trew (with express permission)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via the court's Electronic Case Filing system upon the following:

H. Chris Trew, Esq.

Biddle, Trew & Parr, LLP

P.O. Box 10

Athens, TN 37371-001

on this the 7th day of October, 2009.

s/ Marcus M.Crider